

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

HOME BOX OFFICE, INC.,

SUMMONS IN A CIVIL ACTION

V.

ECHOSTAR SATELLITE L.L.C.

CASE NUMBER:

08 CV 3358
JUDGE KOELTL

TO: (Name and address of Defendant)

EchoStar Satellite L.L.C.
9601 South Meridian Boulevard
Englewood, CO 80112

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Katherine B. Forrest
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Elghth Avenue
New York, NY 10019

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 04 2008

CLERK

DATE

Catherine Lopez
(By) DEPUTY CLERK

CARAVATH SWAIN + MOORE FILE # 3988-564

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT SOUTHERN DISTRICT OF NEW YORK
DOCUMENTS SERVED WITH INDEX # AND FILED ON
ATTORNEY(S): Aetna Central Judicial Process Service, Joel

COURT

INDEX # 08-CIV-3358

Plaintiff

Home Box Office, Inc.

vs

EchoStar Satellite LLC

Defendant

STATE OF NEW YORK: COUNTY OF ALBANY COUNTY, SS.:

Jessica Miller, being duly sworn deposes and says deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. That on April 4, 2008 at 3:50pm at Corporation Service Company, 80 State St, Albany, NY deponent served the within Summons in a Civil Action and Complaint

on: EchoStar Satellite L.L.C. Defendant (herein called recipient) therein named.

INDIVIDUAL

A ☐

By personally delivering to and leaving with said a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said Summons in a Civil Action and Complaint

CORPORATION

B ☒

By delivering to and leaving with Maureen Cogan at 80 State St, Albany, NY and that deponent knew the person so served to be the General Agent of the corporation. Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE AGE PERSON

C ☐

By delivering a true copy thereof to and leaving with a person of suitable age and discretion at the said premises being the defendants/respondents [] dwelling place (usual place of abode) [] actual place of business within the State of New York.

AFFIXING TO DOOR

D ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of abode) [] actual place of business within the State of New York.

MAILING TO RESIDENCE (use with C or D)

E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within New York State on

MAILING TO BUSINESS (use with C or D)

E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at in an official depository under the exclusive care and custody of the United States Post Office within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on

PREVIOUS ATTEMPTS (use with D)

F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

Day Date Time
Day Date Time
Day Date Time

Deponent spoke with who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.

G ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT DESCRIPTION (use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 40-50 Approximate weight 190 Approximate height 5'3-5'4 Sex Female
Color of skin White Color of hair Dark Brown Other

MILITARY SERVICE

X ☒

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

NON-SERVICE

H ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other

WIT FEES

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 4th day of April, 2008

DONNA M. JIDINGS

NOTARY PUBLIC, State of New York
No. 0114898570, Qualified in Albany County
Commission Expires June 15, 2011

Jessica Miller

Attny's File No. 7CSM1121664

Invoice/Work Order # SP0803307